IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.13595 of 2008
MUKESH KUMAR
Versus
STATE OF BIHAR
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2. 1.5.2008 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner Mukesh Kumar, son of Raj Narayan Sah, resident of village Madhuban, P.S. Madhuban in the district of East Champaran, stands implicated in Complaint case no. 282 of 2006 under Section 498A IPC, pending in the court of SDJM, Sikrahna at Motihari and has been refused bail on 4.3.2008 by learned 5th Additional Sessions Judge, East Champaran at Motihari in B.P.No. 253/08.

It has been submitted that petitioner is in custody since 29.1.2008. There is allegation that he along with his family members committed torture,both mental and physical, on his wife Mamta Devi, daughter of Hazari Sah, resident of the same village Madhuban, with whom the marriage is said to have been solemnized in the year 2004, due to non-fulfilment of further dowry demand in the form of Rs.50,000/- cash, a motor bike and T.V.

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It has further been submitted that both sides have entered into compromise and, as such, the petition to that effect was filed in the court below on behalf of Mamta Devi and this petitioner on 16.3.2007 and thereafter marriage of Mamta Devi was solemnized with one Hari Kishore Prasad on 27.6.2007, for which a certificate of the concerned Gramd Panchayat (Annexure 4A) has been filed.

In the facts and circumstances, at least it could be stated that second marriage of Mamta Devi with Hari Kishore Prasad is not a valid one for the reason that there is no divorce order from the competent court but for the reasons stated above, the petitioner Mukesh Kumar is directed to be released on bail on furnishing bail bond of rupees ten thousand with two sureties of the like amount each to the satisfaction of SDJM, Sikrahna at Motihari, in Trial No. 1923/2007, arising out of Complaint case no. 282/2006.

(Subash Chandra Jha,J.)

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